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Attorneys for WELLS FARGO BANK, N.A.
(successor by merger to Defendant WACHOVIA
BANK, N.A.) and Defendant METROPOLITAN
WEST SECURITIES LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

STATE COMPENSATION INSURANCE
FUND,

Plaintiff,

vs.

METROPOLITAN WEST SECURITIES
LLC; WACHOVIA BANK, N.A.; DOES
1 through 10, inclusive; and DOES 11
through 20, inclusive,

Defendants.

CASE NO. CV 09-02959 JSW (EDL)

**STIPULATION AND ~~[PROPOSED]~~ ORDER
MODIFYING BRIEFING SCHEDULE ON
SUMMARY JUDGMENT MOTIONS IN
LIGHT OF PENDING ADR PROCEDURE**

STIPULATION

On February 24, 2012, the parties filed cross-motions for summary judgment, which motions originally were scheduled to be heard on March 30, 2012. On March 6, 2012, the Court entered an order continuing the hearing on the cross-motions to May 25, 2012 and vacating all other pretrial and trial dates. Based on developments at an intervening mediation, the Court at the request of the parties continued the briefing deadlines for the motions. Oppositions to the cross-motions are now due on March 26, 2012, and replies are due on April 4, 2012. (Dkt. No. 205).

The parties attended a mediation before Antonio Piazza, Esq. on March 6, 2012. As a result of the mediation, the parties arranged to resolve their disputes in this lawsuit through an alternative dispute resolution (“ADR”) procedure, subject to Defendants providing assent to such procedure by no later than Friday, March 9, 2012 (later extended to March 14, 2012). Defendants provided their assent to the ADR procedure on March 14, and the parties are in the process of making the ADR arrangements. The parties expect to submit in the near future a stipulation and proposed order to stay the entire lawsuit pending the outcome of the ADR procedure, and once that ADR procedure is concluded, a stipulation to dismiss the lawsuit.

In light of the lengthy continuance of the hearing on the cross-motions, and in light of the parties’ expectation that they shortly will submit a stipulation to stay the entire lawsuit pending the outcome of the ADR procedure, the parties mutually desire to conserve their resources by refraining from preparing their papers in opposition to the cross-motions for submission by March 26, 2012.

NOW THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES HERETO AND THEIR COUNSEL OF RECORD THAT (1) the parties’ respective papers in opposition to the cross-motions for summary judgment shall be filed no later than April 27, 2012;

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1 and (2) the parties' reply papers in support of the cross-motions for summary judgment shall be
2 filed no later than May 4, 2012.

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4 Date: March 19, 2012

MUNGER, TOLLES & OLSON LLP

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6 By: /s/ James C. Rutten

James C. Rutten

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8 Attorneys for Defendants WELLS FARGO
9 BANK, N.A. (successor by merger to
10 WACHOVIA BANK, N.A.) and
11 METROPOLITAN WEST SECURITIES LLC

12
13 Date: March 19, 2012

BARGER & WOLEN LLP

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15 By: /s/ Travis R. Wall

Travis R. Wall

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17 Attorneys for Plaintiff STATE
18 COMPENSATION INSURANCE FUND

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22 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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24 DATED: March 20, 2012

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27 The Honorable Jeffrey S. White
28 United States District Judge